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NEW DELHI, SATURDAY, AUGUST 25, 1984/BHADRA 3, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate
compilation

भाग II—खण्ड 3—उप-खण्ड (iii) PART II—Section 3—Sub-section (iii)

(संघ राज्य क्षेत्र प्रशासनों को छोड़ कर) केन्द्रीय अधिकारियों द्वारा जारी किए गए आदेश और अधिसूचनाएं
Orders and Notifications issued by Central Authorities (other than Administrations of
Union Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 6 अगस्त, 1984

आ० अ० 58—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का
41) की धारा 106 के अनुसरण में, निर्वाचन आयोग 1984 की निर्वाचन
अर्जी सं० 1 में इलाहाबाद उच्च न्यायालय, लखनऊ बेंच के तारीख 23
जुलाई, 1984 के निर्णय को एतद्द्वारा प्रकाशित करता है।

[सं० 82/70 प्र०/1/84 (लख)]

ELECTION COMMISSION OF INDIA

New Delhi, the 6th August, 1984

O.N. 88.—In pursuance of Section 106 of the Re-
presentation of the People Act, 1951 (43 of 1951),
the Election Commission hereby publishes the judge-
ment dated 23rd July, 1984 of the High Court of
Judicature at Allahabad, Lucknow Bench in Election
Petition No. 1 of 1984.

[No. 82/UP/1/84-(Lko)]

IN THE HIGH COURT OF JUDICATURE AT
ALLAHABAD (LUCKNOW BENCH LUCKNOW)

ELECTION PETITION NO. 1 OF 1984.

(Under Section 80/81 of the Representation of the
People Act, 1951)

Shri Raj Narain

Petitioner

Versus

Shri Satya Prakash Malviya and Others.....Respon-
dents.

Lucknow : dated 23-7-1984.

Hon'ble K. N. Misra, J.

The petitioner was granted one week's time to take
steps for service of notice on respondents as required
under Rule 6 Chapter XV-A of the High Court Rules
and the case was directed to be listed today for
orders. Date for issuing notices to the respondents was
to be indicated today after steps for issuing notices
to the respondents were taken by the petitioner with-
in the time allowed. The petitioner was directed to
take complete steps within aforesaid time for issuing

notices to the respondents and for publication of the notices in the newspaper already nominated by the Additional Registrar. Learned counsel for the petitioner urged that he has taken complete steps on 23rd July, 1984, as was directed by this Court vide order dated 16th July, 1984. On scrutiny it is found that the steps taken by the petitioner are incomplete inasmuch as the petitioner has not deposited a sum of Rs. 250/- as initial deposit on account of the cost of publication in the newspaper as was required by sub-rule (c) of Rule 6 of Chapter XV-A. The petitioner counsel filed a receipt indicating that only Rs. 100 were deposited as initial deposit by him on 23-7-84 on account of cost of publication in the newspaper. It is insufficient deposit and it certainly does not comply with the requirements of Sub-Rule (c) of Rule 6 of Chapter XV-A, which reads as follows :—

“(c)—Notices, process fee, charges and a sum of Rs. 250/- as in initial deposit on account of the cost of publication in a newspaper shall be supplied by the petitioner within seven days of the order directing notice to issue. In default, the election petition shall be laid before the Bench for orders. The Bench may reject the election petition unless for sufficient cause it grants further time.”

In this case there was default on the part of the petitioner to take steps earlier and on his application moved on 16th July, 1984, the petitioner was allowed time to take steps and file process fee as was required under Rule 6 of Chapter XV-A. There is a default in filing the process fee as is indicated above. The petitioner has also not filed duly filled up notices in duplicate for publication in the newspaper nominated by the Addl. Registrar. He has only enclosed unfilled notices in duplicate along with the process fee. Since the requisite initial deposit of Rs. 250/- as required under sub-rule (c) of Rule 6 of Chapter XV-A of the Rules of Court has not been made and as blank forms of notices have been filed as aforesaid, the steps taken are incomplete and the petition deserves to be dismissed on account of non-prosecution.

In these circumstances the election petition is accordingly dismissed for non-prosecution on the ground of having not taken complete steps for service of notice on the respondents.

Let the substance of this decision be intimated to the Election Commission and the Chairman of the Council of the State (Rajya Sabha) forthwith as required under Section 103 of the Representation of the People Act. Let an authenticated copy of the decision be also sent to the Election Commission, New Delhi.

Sd/-
(K. N. MISRA)

23-7-84

नई दिल्ली, 7 अगस्त, 1984

आदेश

आ०अ० 99 :— निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में तथा विनिर्दिष्ट उत्तर प्रदेश विधान सभा के उप निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला अभ्यर्थी लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा उक्त सारणी के स्तम्भ (5) में तथा उपदर्शित रूप में अपने निर्वाचन व्ययों का कोई भी लेखा दखिल करने में असफल रहा है,

और उक्त अभ्यर्थी ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसार में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्ति को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

सारणी

| क्रम सं० | निर्वाचन की विशिष्टियाँ | विधान सभा निर्वाचन क्षेत्र की क्रम सं० और नाम | निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता | निराहता का कारण |
|----------|---------------------------------------------|-----------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------|
| (1) | (2) | (3) | (4) | |
| 1 | उत्तर प्रदेश विधान सभा का उप-निर्वाचन, 1983 | 199 फाजिलनगर | श्री अब्दुल गफूर, ग्राम सबया, पोस्ट कसया जिला देवरिया, उत्तर प्रदेश | निर्वाचन व्ययों का कोई भी लेखा दखिल नहीं किया है। |

[सं० 76/उ०प्र०-वि०स०/84]

आदेश से,
आ० ना० नगार, अवर सचिव
भारत निर्वाचन आयोग

New Delhi, the 7th August, 1984

ORDER

O.N. 89.—Whereas the Election Commission is satisfied that the contesting candidate specified in column (4) of the Table below at the by-election to the Uttar Pradesh State Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge any account of his election expenses, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidate even after due notice has not furnished any reason or explanation for the said failure and the Election Commission is satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

TABLE

| Sl No. | Particulars of election | S No. & name of the Assembly Constituency. | Name and address of the contesting candidate | Reason for disqualification |
|--------|--------------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 |
| 1. | By-election to the Uttar Pradesh Legislative Assembly, 1983. | 199-Fazilnagar | Shr Abdul Ghafoor, Village Sabya, P.O. Kasya, Distt. Deoria (U.P.) | Failure to lodge any account of election expenses |

[No. 76/UP-LA/84]

By Order,

O. N. NAGAR, Under Secy. to the Election Commission of India

नई दिल्ली, 7 अगस्त, 1984

आदेश

आ. अ 90 —निर्वाचन आयोग का समाधान हो गया है कि निम्न सारणी के स्तम्भ 1 में विनिर्दिष्ट प्रत्येक निर्वाचन लड़ने वाला अभ्यर्थी जिसने सारणी के स्तम्भ 2 में विहित मिजोरम विधान सभा के लिए उसके नाम के सामने स्तम्भ 3 में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुए निर्वाचन में जैसा कि उक्त सारणी के स्तम्भ 5 में दर्शाया गया है, जैसा कि लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्द्वारा बनाए गए नियमों द्वारा अपेक्षित है, अपने निर्वाचन व्ययों का कोई भी लेखा समय के भीतर तथा विधि से बांझिल करने में असफल रहा है।

और, उक्त अभ्यर्थियों ने उसे सम्बन्ध सूचना दिए जाने के बाद भी उक्त असफलता के लिए न तो कोई कारण दिया है और न ही कोई स्पष्टीकरण दिया है और निर्वाचन आयोग का उनके द्वारा दिए गए आवेदनों पर यदि कोई ही तो विचार करने के बाद, यह समाधान हो गया है कि उसके पास उक्त असफलता के लिए कोई उपयुक्त कारण या न्यायोचित नहीं है।

अतः अब उक्त अधिनियम की धारा 10A के अनुसरण में निर्वाचन आयोग घोषणा करता है कि निम्न सारणी के स्तम्भ 4 में विनिर्दिष्ट व्यक्ति संसद के किसी सदन के या राज्य की विधान सभा या विधान परिषद के सदस्य चुने जाने या होने के लिए इस आदेश की तारीख से 3 वर्ष की कालावधि के लिए निर्दल किया जाता है।

सारणी

| क्रम सं० | निर्वाचन का विवरण | विधान सभा का नाम व क्रम सं० | निर्वाचन लड़ने वाले अभ्यर्थी का नाम | निरदलता का कारण |
|----------|------------------------|-----------------------------|----------------------------------------------------|-------------------------------------------------------|
| 1 | मिजोरम विधान सभा, 1984 | 5-डेमागिरि | श्री सूर्यसेन सिलसूरी, बी०पी०ओ० मारपागा, मिजोरम | विधि द्वारा अपना निर्वाचन व्यय बांझिल करने असमर्थ रहे |

[सं० 76/मिजो०-वि०स०/84]

आदेश से,

सी०एल० रोज, अवर सचिव,
भारत निर्वाचन आयोग

New Delhi, the 7th August, 1984

ORDER

O.N. 90.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the Mizoram Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge any account of his election expenses within the time and in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said

failure even after due notice on the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

TABLE

| S.No | Particulars of Election | S.No. & Name of Assembly Constituency | Name of Contesting Candidate | Reason for Disqualification. |
|------|------------------------------------------------------------|---------------------------------------|------------------------------------------------------|-------------------------------------------------------------------------|
| 1 | General election to the Mizoram Legislative Assembly 1984. | 5-Demagiri | Shri Surjyosen Silsury, BPO Maipara Mizoram | Failed to lodge any account of his election expenses as required by law |

[No. 76/MIZ-LA/84]

By Order,
C L. ROSE, Under Secy. to the Election
Commission of India